

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND**

**U.S. BANK NATIONAL ASSOCIATION AS )  
LEGAL TITLE TRUSTEE FOR TRUMAN )  
2016 SC6 TITLE TRUST, )  
Plaintiff, )**

**v. )**

**C.A. No. 1:21-CV-00198-JJM-PAS**

**ROBERT TED BROWN; MORTGAGE )  
ELECTRONIC REGISTRATION )  
SYSTEMS, INC.; and INTERNAL )  
REVENUE SERVICE, )  
DEFENDANTS. )**

**PLAINTIFF'S APPLICATION TO CLERK FOR ENTRY OF DEFAULT  
AS AGAINST ALL DEFENDANTS**

The Plaintiff, U.S. Bank, National Association as Legal Title Trustee for Truman 2016 SC6 Title Trust ("Plaintiff"), hereby requests that the Clerk of this Honorable Court enter Default against the Defendant(s), Robert Ted Brown, Mortgage Electronic Registration Systems, Inc., and the Internal Revenue Service ("Defendant(s)"), pursuant to Rule 55(a) of the Federal Rules of Civil Procedure.

As the grounds therefore, Plaintiff states that Defendant has failed to plead and/or otherwise defend with respect to this action. In support, Plaintiff submits the Affidavit of Failure to Plead and of Non-Military Service filed contemporaneously herewith.

U.S. Bank, National Association as Legal Title  
Trustee for Truman 2016 SC6 Title Trust,  
By its Attorneys,

/s/ Rowdy M. Cloud  
Rowdy M. Cloud, Esq. (#9383)  
BENDETT & MCHUGH, P.C.  
23 Messenger Street, Second Floor  
Plainville, MA 02762  
Tel: (508) 919-8638  
Email: [rcloud@bmmpc-law.com](mailto:rcloud@bmmpc-law.com)

Dated: March 16, 2022

**CERTIFICATE OF SERVICE**

I, Rowdy M. Cloud, hereby certify that, on this 16 th day of March 2022, I caused a copy of the foregoing *Plaintiff's Application to Clerk for Entry of Default and Supporting Affidavit of Failure to Plead and of Non-Military Service* to be filed and served via the ECF system on the parties registered to receive electronic service in this matter. I further certify that I caused a copy of said document to be mailed first class, postage prepaid to the following:

Robert Ted Brown  
199 Hudson Pond Road  
West Greenwich, RI 02817

Mortgage Electronic Registration Systems,  
Inc.  
1901 E. Voorhees Street  
Danville, IL 61834

United States Department of the Treasury  
United State Department of Justice, Tax  
Division, Civil Trial Section, Northern  
Region  
P.O. Box 55

Ben Franklin Station  
Washington, DC 20044

Office of the United States Attorney General  
United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Office of the United States Attorney, District  
of Rhode Island  
50 Kennedy Plaza, 8th Floor  
Providence, RI 02903

The document is available for viewing and/or downloading from the ECF system.

/s/ Rowdy M. Cloud  
Rowdy M. Cloud, Esq. (#9383)

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**AFFIDAVIT OF FAILURE TO PLEAD AND OF NON-MILITARY SERVICE**

I, Rowdy M. Cloud, Esq., being first duly sworn and under oath do hereby depose and state the following:

1. I am an attorney duly admitted to practice law in the State of Rhode Island and represent the Plaintiff, U.S. Bank, National Association as Legal Title Trustee for Truman 2016 SC6 Title Trust ("Plaintiff"), in this matter.
2. On July 20, 2021, the Plaintiff caused a Summons and copy of Plaintiff's Complaint to be served upon the Defendant, Robert Ted Brown, via personal service through Rhode Island Constable, Paul G. Hughes, by leaving a copy of the same at Defendant's residence with a person of suitable age and discretion residing therein. A copy of the return of service is attached as **Exhibit A**.
3. On, the Plaintiff caused a Summons and copy of Plaintiff's Complaint to be served upon the Defendant, Mortgage Electronic Registration Systems Inc., via personal service through a Process Server, Winnonna Malivuk, by leaving a copy of the same at Defendant's place of business on an agent authorized to accept service, Melissa Johnson

of 1901 E. Voorhees Street, Danville, Illinois. A copy of the return of service is attached as **Exhibit B**.

4. The Plaintiff caused a Summons and copy of Plaintiff's Complaint to be served upon the Defendant, Internal Revenue Service, pursuant to 28 U.S.C. § 2410 as follows:

a. On July 20, 2021, Rhode Island Constable, Paul G. Hughes, served the Summons a copy of the Complaint via personal service on an authorized agent of the Office of the United States Attorney General, District of Rhode Island. A copy of the return of service is attached as **Exhibit C**.

b. On or about August 12, 2021, a copy of the Summons and Complaint were delivered by certified mail to the United States Department of the Treasury. A copy of the return of service and tracking information is attached as **Exhibit D**.

c. On or about August 12, 2021, a copy of the Summons and Complaint were delivered by certified mail to the Office of the United States Attorney General. A copy of the return of service and tracking information is attached as **Exhibit E**.

5. The Defendants, Robert Ted Brown, Mortgage Electronic Registration Systems Inc., and Internal Revenue Service, have failed to plead and/or otherwise defend with respect to Plaintiff's Complaint within twenty days of service of process of the same.

6. Upon information and belief, none of the Defendants, Robert Ted Brown, Mortgage Electronic Registration Systems Inc., and Internal Revenue Service, are either a minor, incompetent, or in the Military Service of the United States as such term defined by the Sailor's and Soldiers' relief Act of 1940, as amended.

7. This Affidavit is made for the purpose of requesting that the Clerk of this Honorable Court enter a Default against the Defendants, Robert Ted Brown, Mortgage Electronic Registration Systems Inc., and Internal Revenue Service, for their failure to plead and/or otherwise defend in this action.

  
Rowdy M. Cloud, Esq. (#9383)

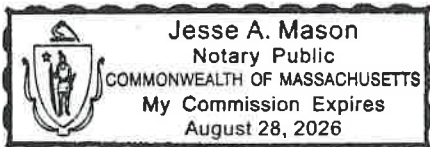
8/16/22

Subscribed and sworn to before me under pains of perjury this 16<sup>th</sup> day of

March

, 2022

  
Notary Public



Printed Name: Jesse A. Mason

My Commission Expires: 8/28/2026

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SYSTEMS, INC.; and INTERNAL )  
REVENUE SERVICE, )  
DEFENDANTS. )**

**ENTRY OF DEFAULT**

It appearing that the Defendants, Robert Ted Brown, Mortgage Electronic Registration Systems Inc., and Internal Revenue Service, have failed to plead and/or otherwise defend in this action, DEFAULT is hereby entered by the Clerk of this Honorable Court against Defendant(s), Robert Ted Brown, Mortgage Electronic Registration Systems, Inc., and Internal Revenue Service, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Clerk